

11-27-76

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - SE/S Masemore Road,
235' SW of c/l Hillside View Road * DEPUTY ZONING COMMISSIONER
(17515 Masemore Road)
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 97-53-XA
Edward L. Dell, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 17515 Masemore Road, located in the vicinity of Mt. Carmel Road and I-83 in Parkton. The Petitions were filed by the owners of the property, Edward L. and Sandra L. Dell, through their attorney, Michael E. Marino, Esquire. The Petitioners request a special exception for a landscape service operation on Parcel A of the subject property, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 404.1.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; 2) from Section 409.8.A.2 to permit driveways and parking areas not to be paved or macadam surfaced but to be crusher run surfaced; 3) from Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and, 4) from Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and unloading. The subject property and relief sought are more particularly described on

ORDER RECEIVED FOR FILING

Date

By

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the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward and Sandra Dell, legal owners of the property, their son, Steve E. Dell, who operates the landscape service operation on the subject property, Paul Lee, Professional Engineer who prepared the site plan, George J. Bromwell, Gary Bennett, Code Inspection Officer with Baltimore County's Department of Permits and Development Management, and Michael E. Marino, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were several residents from the surrounding community, including C. Robert McMillion, Kenneth and Maryann R. Smalley, John J. Ghinger, III, and Robert P. Whelen, Jr.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.792 acres, more or less, zoned R.C.2, and is improved with a single family dwelling with an attached garage, a macadam paved driveway, wood retaining wall, and several outbuildings, including a detached garage and shed. This detached garage and shed are located in the southeast corner of the site in the area identified as Parcel A on the site plan, which consists of 0.4 acres. The Petitioners wish to establish Parcel A as a special exception use for the landscape service operation, separate and apart from their residential use of the remainder of their property. Testimony revealed that the Petitioners' son has operated the landscape service operation from the subject site for the past 10 years. Initially, Steve Dell began the operation as a summer job, cutting grass and maintaining lawns in the Hereford area. However, over the years, the business has grown to a year-round landscaping and snow removal business. Steve Dell now owns and operates two pick-up trucks, two one-ton dump

trucks, three trailers, which are used to haul landscaping equipment, one bobcat, one skid-loader, and various other accessory tools used in the landscaping service operation. Most of the equipment used in the operation is stored within the garage and shed located on Parcel A; however, the larger vehicles must be stored outside. Parcel A has no direct access to Masemore Road, but is accessed by an existing stone driveway that leads out from the rear of the property to Hillside View Road, which traverses through a residential neighborhood where most of the Protestants who attended the hearing reside. This is one of the reasons why the Protestants attended the hearing.

While the Petitioner's business started out as a small family-run business, it has now grown over the years to where the Petitioner now employ others to work in the landscape service operation. Testimony revealed that the workers meet at the subject property in the morning to pick up landscaping tools and equipment and drive off to the various job sites. The employees are basically gone for most of the day and return to the site in the evening, usually at dusk. Therefore, most of the disturbance caused by the operation of the business is during the morning when the workers arrive at the site and in the evening hours when they return. The Petitioners have filed the instant Petitions to allow them to continue to operate the landscape service business from the subject site as they have for the past 10 years.

As noted above, several residents from the surrounding community appeared in opposition to the request. Mr. Robert McMillion and Mr. Kenneth Smalley testified that they are generally opposed to the operation in that the business has grown over the years and has become too large for the subject property. They testified that the Petitioners continue to add

equipment for use in this operation that are both large and, at times, loud. The Protestants testified that access to the special exception area is over a narrow stone road which is difficult to maneuver with some of the larger pieces of equipment. Testimony indicated that the Petitioners are unable to drive up the driveway, but must turn the vehicles around and back up the driveway. The Protestants are concerned that the Petitioners might not see some of the children who reside nearby when they are attempting to maneuver this equipment backwards up this driveway which could result in an unfortunate accident. These residents indicated that at least some of the trucks are equipped with back-up beepers, which during the evening hours, makes a loud sound that permeates the neighborhood. The residents further testified that the Petitioners service and clean their equipment on the subject property which also generates a great deal of noise. They testified that the Petitioners have, on occasion, used a hammer to knock dirt and debris from the bed of the dump trucks when cleaning out the vehicles. These residents feel that the Petitioner's business has simply outgrown the subject property and should therefore be moved to a more acceptable, non-residential location.

After considering all of the testimony and evidence offered by both the Petitioners and the Protestants, I am persuaded to deny the special exception request. It is apparent, given the size and magnitude of the Petitioner's operation that he has simply outgrown his present location. It is clear that he is unable to operate his landscaping and snow removal business from the subject property without having a detrimental effect on the health, safety and general welfare of the residents in the surrounding community. The small access driveway through the residential community is the main contributing factor to the adverse effect this

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landscaping service operation has on the surrounding community. The Petitioner has simply outgrown the area, which, at one time, could accommodate his small lawn service business. However, given the nature and extent of his present operation, the Petitioner must find a new location from which to operate. Therefore, the special exception and variances shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance requests shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of November, 1996 that the Petition for Special Exception for a landscape service operation on Parcel A of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 404.1.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; 2) from Section 409.8.A.2 to permit driveways and parking areas to be crusher run surfaced in lieu of the required paved or macadam surface; 3) from Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and, 4) from Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and

ORDER RECEIVED FOR FILING

Date

By

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
<u>EDWARD L. DELL, ET UX</u>	*	OF
FOR SPECIAL EXCEPTION AND	*	BALTIMORE COUNTY
VARIANCES ON PROPERTY LOCATED	*	CASE NO. 97-53-XA
ON THE SOUTHEAST SIDE MASEMORE		
ROAD, 235' SW OF C/L HILLSIDE		
VIEW ROAD (17515 MASEMORE RD)		
7TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT		
* * * *		

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Deputy Zoning Commissioner dated November 26, 1996 in which the Petition for Special Exception and Petition for Variances were DENIED.

WHEREAS, the Board is in receipt of a Dismissal of appeal filed by Michael E. Marino, Esquire, on behalf of Edward L. Dell and Sandra L. Dell, Petitioners /Appellants, filed June 6, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners /Appellants requests that the appeal filed in this matter be withdrawn and dismissed as of June 6, 1997;

IT IS HEREBY ORDERED this 19th day of June, 1997 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Chairman



Charles L. Marks



Harry E. Buchheister, Jr.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

June 19, 1997

Michael Marino, Esquire
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, MD 21204

RE: Case No. 97-53-XA
Edward L. Dell, et ux -Petitioners

Dear Mr. Marino:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Mr. and Mrs. Edward L. Dell
Mr. C. Robert McMillion
Mr. and Mrs. Kenneth Smalley
Mr. John J. Ghingher III
Mr. Robert P. Whelen, Jr.
Cornelius Carmody, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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IN THE MATTER OF
EDWARD L. DELL, *et ux*

Petitioners

17515 Masemore Road
7th Election District
3rd Councilmatic District

* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 97-53-XA
*

* * * * *

DISMISSAL

Edward L. Dell and Sandra L. Dell, his wife, the Petitioners, through their attorney, Michael E. Marino, dismiss their appeal in the above captioned matter.



Michael E. Marino
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorney for the Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 4 day of June, 1997, a copy of the foregoing Dismissal was mailed postage pre-paid, first class mail to:

Mr. C. Robert McMillion
900 Hillside View Road
Parkton, MD 21120

Mr. & Mrs. Kenneth Smalley
17521 Masemore Road
Parkton, MD 21120

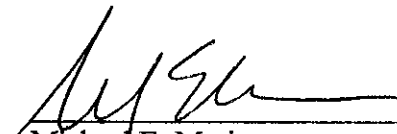
Mr. John J. Ghingher, III
901 Hillside View Road
Parkton, MD 21120

Cornelius Carmody, Esquire
P.O. Box 302
16940 York Road, Suite 200
Monkton, MD 21111

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97 JUN -6 PM 4:11
RECEIVED
COUNTY BOARD OF APPEALS

Mr. Robert P. Whelen, Jr.
899 Hillside View Road
Parkton, MD 21120



Michael E. Marino

IN RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - SE/S Masemore Road,
235' SW of c/1 Hillside View Road
(17515 Masemore Road)
7th Election District
3rd Councilmanic District

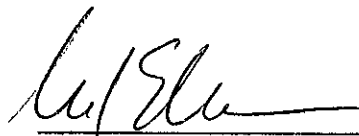
Edward L. Dell, *et ux*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-53-XA
*

* * * * *

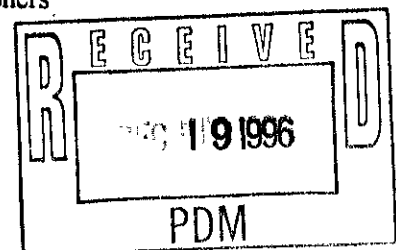
ORDER FOR APPEAL

Please enter an appeal on behalf of the Petitioners, Edward L. Dell and Sandra L. Dell, his wife, from the decision of the Deputy Zoning Commissioner dated November 25, 1996, wherein the Petitioners requested a special exception for a landscape service operation on the subject property, and variance relief from the Baltimore County Zoning Regulations as follows: (1) From Section 404.0.A to permit an internal roadway setback from any property line of 1 foot in lieu of the required 25 feet; (2) From Section 409.8.A.2 to permit driveways and parking areas not to be paved or macadam surfaced but to be crusher run surfaced; (3) From Section 404.1.B to permit existing accessory structures (shed and garage) to be located within 20 feet of a property line in lieu of the required 50 feet; and (4) From Sections 404.1.C and 404.3.C to permit loading and unloading to take place 35 feet from a property line in lieu of the required 100 feet, or 20 feet within a fully enclosed structure in lieu of the required 50 feet to allow the continued use of the existing shed and garage for loading and unloading, all of which were denied.



Michael E. Marino
LEVY & MARINO, P.A.
609 Bosley Avenue
Towson, Maryland 21204
(410) 821-6633

Attorneys for the Petitioners



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 19th day of December, 1996, a copy of the foregoing Order for Appeal was mailed postage pre-paid, first class mail to:

Mr. C. Robert McMillion
900 Hillside View Road
Parkton, MD 21120

Mr. & Mrs. Kenneth Smalley
17521 Masemore Road
Parkton, MD 21120

Cornelius Carmody, Esquire
P.O. Box 302
16940 York Road, Suite 200
Monkton, MD 21111

Mr. John J. Ghingher, III
901 Hillside View Road
Parkton, MD 21120

Mr. Robert P. Whelen, Jr.
899 Hillside View Road
Parkton, MD 21120

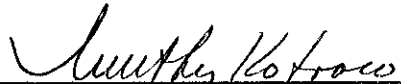


Michael E. Marino

unloading, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have sixty (60) days from the date of this Order to relocate the landscape service operation and snow removal business from the subject property.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days of the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
DATE 11/25/16
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 25, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE
SE/S Masemore Road, 235' SW of c/l Hillside View Road
(17515 Masemore Road)
7th Election District - 3rd Councilmanic District
Edward L. Dell, et ux - Petitioners
Case No. 97-53-XA

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Edward L. Dell, 17515 Masemore Road, Parkton, Md. 21120

Mr. C. Robert McMillion, 900 Hillside View Road, Parkton, Md. 21120
Mr. & Mrs. Kenneth Smalley, 17521 Masemore Road, Parkton, Md. 21120
Mr. John J. Ghingher, III, 901 Hillside View Road, Parkton, Md. 21120
Mr. Robert P. Whelen, Jr., 899 Hillside View Road, Parkton, Md. 21120

Cornelius Carmody, Esq., 606 Baltimore Ave., Suite 100, Towson, 21204

People's Counsel; Case File

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RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
17515 Masemore Road, SE/S Masemore Road,	*	ZONING COMMISSIONER
35' SW of c/l Hillside View Road		
7th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Edward L. and Sandra L. Dell	*	CASE NO. 97-53-XA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

17515 Masemore Road

97-53-XA

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations, for Parcel A equal 0.4 Acres +/- as shown on the accompanying site plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s)

Edward L. Dell

(Type or Print Name)

Edward L. Dell

Signature

Sandra L. Dell

(Type or Print Name)

Sandra L. Dell

Signature

17515 Masemore Road

Address

Phone No

Parkton, Maryland 21120

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino

Name

609 Bosley Avenue 821-6633

Address

Phone No

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

3 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7/30/92

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue 821-6633

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

ORDER RECEIVED FOR FILING
Date 7/30/92



MICROFILMED

46



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17515 Masemore Road

97-53-XA

which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The property is unique and without the requested variances the subject property is not capable of being used as a landscape service operation, which is a reasonable use for the owners, thereby creating practical difficulty. The granting of this variance will not result in injury to public health, safety or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue 821-6633

Address Phone No

Towson, Maryland 21204

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Edward L. Dell

(Type or Print Name)

Signature

Sandra L. Dell

(Type or Print Name)

Signature

17515 Masemore Road

Address

Phone No

Parkton, Maryland 21120

City State Zipcode

Name, Address and phone number of representative to be contacted

Michael E. Marino

Name

609 Bosley Avenue 821-6633

Address Phone No

Towson, Maryland 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 7/30/96

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper



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CONTINUATION SHEET

Petition for Variance
17515 Masemore Road
Parkton, Maryland 21120

97-53-XA

(1) Section 404.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 1' setback for internal roadway from any property line, or as shown on plat which accompanies this Petition, in lieu of the required 25'.

(2) Section 409.8.A.2 of the BCZR to allow driveways and parking areas not to be paved or macadamed but to have a crusher run service as shown on the plat which accompanies this Petition.

(3) Sections 404.1.B of the BCZR to permit accessory structures (shed and garage) to be within 20' of any property line in lieu of the required 50'.

(4) Sections 404.1.C and 404.3.C of the BCZR requiring loading and unloading from a residentially zoned property to take place 35' in lieu of the required 100' from any property line or 20' within a fully enclosed structure in lieu of the required 50' in order to use the existing shed and garage (if applicable) for loading, unloading, and storing lawn mowers used in the landscape service operation.

ORDER RECEIVED FOR FILING

Date

By

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Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5944

97-53-XA

DESCRIPTION

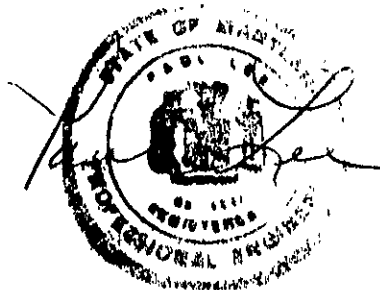
#17515 MASEMORE ROAD

PARCEL A - 0.40 ACRES [±]

ELECTION DISTRICT 7C3 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point, said point being located southwesterly - 235 feet [±] from the center of Hillside View Road and S 42°27'00" E - 280.15 feet along the east boundary of subject property from the center of Masemore Road; thence continuing along said east property line (1) S 42°27'00" E - 90.00 feet to the south boundary line of said property, thence running with and binding on part of said south property line (2) S 40°16'00" W - 86.32 feet, and (3) S 82°36'00" W - 130.00 feet, thence leaving said south boundary line for the three new lines of division, (4) N 07°24'00" W - 95.00 feet, (5) N 82°36'00" E - 101.72 feet, and (6) N 40°16'00" E - 54.66 feet to the point of beginning.

Containing 0.40 acres of land more or less and referred to as Parcel A.



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J.O. 96-026
7/22/96

Engineers — Surveyors — Site Planners

46

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

97-53-XA

District 7th

Date of Posting

Posted for 9-6-96 Stealing

Petitioner: Edward Bell, et al

Location of property

Location of Sign: 17515 Masopine Road

Remarks:

Front yard by Road

Posted by

W/F

Signature

W. F. Chen

Date of return

Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-33-XA
(Item 46)

17315 Macanore Road
SES Macanore Road, 235'
SW of c/1 Hillside View Road
7th Election District
3rd Councilmanic

Legal Owner(s):
Edward L. Dell and Sandra L. Dell

Special Exception for a

Landscaping Service Operation
To permit a 1 foot
wide strip of landscaped area
along the driveway
from any property line, or as
shown on plat, in lieu of the
required 25 feet, to allow
driveways and parking areas
not to be paved or macadam
but to have a crusher run
surface as shown on the plat
to permit accessory structures
(shed and garage) to be within
20 feet of any property line in
lieu of the required 50 feet,
and requiring loading and un-
loading from a residentially
zoned property to take place
35 feet in lieu of the required
100 feet from any property
line or 20 feet within a fully en-
closed structure in lieu of the
required 50 feet, in order to
use the existing shed and gar-
age (if applicable) for loading,
unloading, and storing lawn
mowers used in the landscape
service operation.

Hearing: Friday, September 6,
1996 at 10:00 a.m. in Rm.
106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call 887-3333.
(2) For information concern-
ing the file and/or hearing,
Please Call 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Aug 22, 1996.

THE JEFFERSONIAN,

A. H. Smith
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 009867

DATE 12/19/96 ACCOUNT R-601-6150

AMOUNT \$ 460.00

RECEIVED
FROM:

Michael E. Marino, Esq.

FOR:

Appeal case # 97-53-XA

MICROFILMED

01A00N0179HICRC
BA 0009111AM12-20-96

\$460.00

VALIDATION OR SIGNATURE OF CASHIER

RYE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 009867

DATE 12/19/96 ACCOUNT R-601-6150

AMOUNT \$ 460.00

RECEIVED
FROM:

Michael E. Marino, Esq.

FOR:

Appeal case # 97-53-XA

01A00N0179HICRC
BA 0009111AM12-20-96

\$460.00

VALIDATION OR SIGNATURE OF CASHIER

RYE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 46 Petitioner: Edward L. Dell
Location: 17515 Mascmore Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ~~W~~ Michael E. Marino
ADDRESS: 609 Bosley Ave
Towson, MD 21204
PHONE NUMBER: (410) 821-6633

MICROFILMED

CERTIFICATE OF POSTING

RE: Case No.: 97-53-XA

Petitioner/Developer: _____

EDWARD L. Debb, ET UX

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at SE 1/4 Mosemore Rd

235' SW OF C/L HILLSIDE VIEW ROAD

The sign(s) were posted on JAN, 29, 1997
(Month, Day, Year)

Sincerely,

Dennis Rioux
(Signature of Sign Poster and Date)

DENNIS RIOUX (REO)
(Printed Name)

(Address)

TOWSON MD 21204
(City, State, Zip Code)

887-8099
(Telephone Number)

T/C FROM
Proterant / Smalley -
SIGN POSTED ON
HIS PROPERTY.
T/C TO enforcement -
Hehene said it would
be reposted ASAP.
CW
1-30-97

CERTIFICATE OF POSTING

RE: Case No.: 97-53 XA

Petitioner/Developer: _____

EDWARD DELL
PROP.

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

17515 MASEMORE RD. (DAMAGED SIGN
RE-POSTED)

The sign(s) were posted on 5/8/97
(Month, Day, Year)

Sincerely,

Gary Freund 5/12
(Signature of Sign Poster and Date)

4-11-97

Mr. Dell called
to request sign
be pulled upright.

Bent down in
Heavy wind?

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

MICROFILMED

4-17-97 - ^{Chen} LEFT VM
FOR DENNIS RIGUX TO
STAND SIGN up next time
in area!

TO: PUTUMENT PUBLISHING COMPANY
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.
609 Bosley Avenue
Towson, MD 21204
821-6633

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-53-XA (Item 46)
17515 Masemore Road
SE/S Masemore Road, 235' SW of c/l Hillside View Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Edward L. Dell and Sandra L. Dell

Special Exception for a landscape service operation.

Variance to permit a 1 foot setback for internal roadway from any property line, or as shown on plat, in lieu of the required 25 feet; to allow driveways and parking areas not be paved or macadamized but to have a crusher run surface as shown on the plat; to permit accessory structures (shed and garage) to be within 20 feet of any property line in lieu of the required 50 feet; and requiring loading and unloading from a residentially zoned property to take place 35 feet in lieu of the required 100 feet from any property line or 20 feet within a fully enclosed structure in lieu of the required 50 feet in order to use the existing shed and garage (if applicable) for loading, unloading, and storing lawn mowers used in the landscape service operation.

HEARING: FRIDAY, SEPTEMBER 6, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-53-XA (Item 46)
17515 Masemore Road
SE/S Masemore Road, 235' SW of c/l Hillside View Road
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Legal Owner(s): Edward L. Dell and Sandra L. Dell

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HEARING: FRIDAY, SEPTEMBER 6, 1996 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Edward L. Dell and Sandra L. Dell
Michael E. Marino, Esq.

cc: C. Robert McMillion

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 27, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-53-XA

IN THE MATTER OF: EDWARD L. DELL, ET UX -
Petitioners 17515 Masemore Road
7th Election District; 3rd Councilmanic District

(Petitions for Special Exception and Variance
DENIED.)

ASSIGNED FOR: WEDNESDAY, JUNE 11, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said
requests must be in writing and in compliance with Rule 2(b) of the
Board's Rules. No postponements will be granted within 15 days of
scheduled hearing date unless in full compliance with Rule 2(c). For
further information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners : Michael E. Marino, Esquire
Appellants /Petitioners : Mr. & Mrs. Edward L. Dell

Paul Lee /Professional Engineer

Protestants : C. Robert McMillion
Mr. & Mrs. Kenneth Smalley
John J. Ghingher III
Robert P. Whelen, Jr.
Cornelius Carmody, Esquire

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty



Case No. 97-53-XA

EDWARD L. DELL, ET UX - Petitioners

SE/s Masemore Road, 235' SW of c/l Hillside
View Road (17515 Masemore Road)

7th Election District

Appealed: 12/19/96

(see copy of vicinity map)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 29, 1996

Michael E. Marino, Esquire
609 Bosley Avenue
Towson, MD 21204

RE: Item No.: 46
Case No.: 97-53-XA
Petitioner: Edward Dell, et ux

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 30, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



COIN OPERATED AMUSEMENT DEVICE APPLICATION

FREE: \$150.00
each machine
per year.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & LICENSES
COUNTY OFFICE BUILDING
TOMSON, MARYLAND 21204

APPLICATION DATE

887-3616

LICENSE YEAR

MAKE MONEY ORDER OR CHECK PAYABLE TO "BALTIMORE COUNTY, MARYLAND".

NAME OF BUSINESS

(Where devices will be operated)

BUSINESS LOCATION

NAME OF BUSINESS OWNER OR OPERATOR (please type or print)

(Where devices will be operated)

OWNER OF MACHINES (please type or print)

OWNER OF MACHINES, ADDRESS

NAME OF APPLICANT (please type or print)

Signature of Applicant

Applicant's Title

Telephone Number

DEVICES

DESCRIPTION
OF DEVICE

SERIAL # (*)
FOR EACH
DEVICE

~~DATE INSTALLED
AT THIS
LOCATION~~

Amusement
Device
License #

٢٢٤

ISSUANCE OF THIS LICENSE DOES NOT FREE THE LICENSEE FROM COMPLYING WITH THE GAMBLING LAWS AND ANY OTHER LAWS AND REGULATIONS

~~LAWS AND ANY OTHER LAWS AND REGULATIONS~~

(* Serial numbers must be included; either the manufacturer's # or an owner-assigned #.)

ZONING APPROVAL:

DATE:

TYPE OF ZONING/ MAXIMUM # DEVICES:

Date Paid: _____
Cash Receipt # _____

Total Fee:

Date Issued:

Reference #	Data Entered
1	10/10/10
2	10/10/10
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5	10/10/10
6	10/10/10
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INITIALS

P&T:ADL1/92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 27, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 17515 Masemore Road

INFORMATION:

Item Number: 46

Petitioner: Dell Property

Property Size: _____

Zoning: RC 2

Requested Action: _____

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based on a field visit and discussions with nearby residents, the Planning Office offers the following comments and recommendation:

1. The requested landscape service operation has been, and will continue to negatively impact the general welfare of nearby residential properties, especially the adjacent Smalley property. The use is a 12 month operation, that switches from a landscape service, to firewood cutting and sales, to a snow removal service according to the season. The traffic, noise and related safety issues bear directly on the Smalley residence which is only 60' from the use in common drive that serves as access to the landscape service operation. It is evident that the peaceful enjoyment of the Smalley property is significantly compromised by the trucks, heavy equipment, customers and related noise generated by the business.
2. It is the opinion of the office that the original intent of Section 404 of the Baltimore County Zoning Regulations was to allow certain uses in areas of the County that could offer spacial separation from adjoining residences, therein reducing any negative impacts. This petition not only offers no separation or buffer between the use and nearby residential uses, but seeks variances to required setbacks.

This office believes that this particular location is not proper for the proposed use, and the petition cannot meet the provision of Sections 404.3, 502.1 or 307.1. of the Baltimore County Zoning Regulations. Therefore, it is recommended that the petition be denied.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

AFK/JL/lw

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MICROFILMED

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43, 45, 46, 47, 49, 50, 51, 52,
53 AND 54.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F MICROFILMED

cc: File




To Zoning

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 16, 1996

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 19, 1996
Item Nos. 043, 045, 046, 047, 050,
051, and 053

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government
Department of Community Development



One Investment Place Suite 800
Towson, MD 21204

887-3317
Fax 887-5696

PETITION PROBLEMS

#43 --- JRA

1. Petition form does not have section number or what they are requesting.
2. Petition form states zoning is "residential".

#45 --- MJK

1. Petition was not given copy of receipt - still in folder.
2. No telephone number for legal owner

#46 --- MJK

1. No telephone number for legal owner.

#48 --- JLL

1. Need authorization for attorney to sign for legal owner.

#49 --- MJK

1. No telephone number for legal owner.

#52 --- MJK

1. Receipt not given to petition - still in folder.
2. No name, address, etc. for legal owner.

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August 7, 1996

HYD.	DIA.	FITTING	PIPE	PT	PT	***** NOTES *****
REF	"C"	or	FTNG'S	Pe	Pv	
POINT	Qt	Pf/F	Eqv. Ln.	TOTAL	Pn	

[illegible]



Code Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: August 28, 1996

FROM: James H. Thompson - GB
Code Inspections and Enforcement Supervisor

RE: ITEM NO.: 46
PETITIONER: Edward L. Dell and Sandra L. Dell

VIOLATION CASE NO.: C-96-4502

LOCATION OF VIOLATION: 17511 Masemore Road
7th Election District

DEFENDANTS: Edward L. Dell and Sandra L. Dell
17511 Masemore Road
Parkton, Maryland 21120

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u>	<u>ADDRESS</u>
Kenneth Smalley	17521 Masemore Road Parkton, Maryland 21120-9752
Mr. C. Robert McMillion	900 Hillside View Road Parkton, Maryland 21120-9752

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Inspections and Enforcement Supervisor, so that the appropriate action may be taken to the violation case.

JHT/GB/hek

MICROFILMED

$$\begin{aligned} & \mathcal{L}(\mathbf{y}) = \mathcal{L}(\mathbf{y}^T) \\ & \mathcal{L}(\mathbf{y}) = \mathcal{L}(\mathbf{y}^T) \end{aligned}$$

RE: 17515 Masemore Road
SE/S Masemore Road, 235'
SW of c/l Hillside View Road
7th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 97-53-XA
* (Item 46)

EDWARD L. DELL and
SANDRA L. DELL, his wife

Petitioners

* * * * *

SUBPOENA

TO: Gary Bennett, Code Inspections and Enforcement Officer
Baltimore County Office of Planning

YOU ARE HEREBY COMMANDED TO:

- () Personally appear;
- () Produce documents and/or objects only;
- (XX) Personally appear and produce documents or objects;

at Room 106, County Office Building, 111 West Chesapeake Avenue,
Towson, Maryland 21204 on the 6th day of September, 1996, at
10:00 a.m.

YOU ARE COMMANDED TO produce the following documents or
objects:

CURRENT FILE

Subpoena requested by the Petitioners, and any questions should
be referred to:

Michael E. Marino, Esquire, Levy & Marino, P.A., 609 Bosley
Avenue, Towson, Maryland 21204, (410) 821-6633

Date Issued

9/5/96

Michael E. Marino

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 27, 1996

Mr. and Mrs. Kenneth Smalley
17521 Masemore Road
Parkton, MD 21120

RE: Petitions for Special
Exception and Variance
SE/S Masemore Road, 235'
SW of c/l Hillside View Rd.
(17515 Masemore Road)
7th Election District
3rd Councilmanic District
Edward L. Dell, et ux -
Petitioners
Case No. 97-53-XA

Dear Mr. and Mrs. Smalley:

Please be advised that an appeal of the above-referenced case was filed in this office on December 19, 1996 by Michael E. Marino, Esquire on behalf of Edward L. Dell and Sandra L. Dell. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

c: Mr. C. Robert McMillion
Mr. John J. Ghingher, III
Mr. Robert P. Whelen, Jr.
Cornelius Carmody, Esquire
People's Counsel



Petition for Special Exception and Variance
SE/S Masemore Road, 235' SW of c/l Hillside View Road
(17515 Masemore Road)
7th Election District - 3rd Councilmanic District
Edward L. Dell, et ux - Petitioners
Case No. 97-53-XA

MICROFILMED

Case No. 97-53-XA

SE -Landscape service operation on Parcel A of subject property; VAR -setbacks; paved areas; location of existing accessory structures; and loading and unloading regulations.

11/25/96 -Deputy Zoning Commissioner's Order in which requested relief was DENIED.

3/27/97 -Notice of Assignment for hearing scheduled for Wednesday, June 11, 1997 at 10:00 a.m. sent to following:

Michael E. Marino, Esquire
Mr. & Mrs. Edward L. Dell
Paul Lee /Professional Engineer
C. Robert McMillion
Mr. & Mrs. Kenneth Smalley
John J. Ghingher III
Robert P. Whelen, Jr.
Cornelius Carmody, Esquire
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

6/06/97 -Dismissal of appeal filed by Michael E. Marino, Esquire, on behalf of Mr. and Mrs. Edward Dell, Appellants /Petitioners. Order of Dismissal to be issued by CBA.

MICROFILMED

96-4514
C: G. Bennett
(he got this)

E. Robert McMillion

900 HILLSIDE VIEW ROAD
PARKTON, MD 21120-9752

#46

PHONE (410) 457-5027
FAX (410) 357-5126

Mr. Mitch Kellman
Baltimore County
Dept. of Permits and Development Management
Bureau of "County Planning"
111 West Chesapeake Avenue
Towson, Maryland 21204

August 10, 1996

AUG 14 1996

Re; Case No. 964502

Dear Mr Kellman;

This is to ask your help in terminating a zoning violation and common nuisance that has developed in our neighborhood over the last few years. The problem is the result of an *in your face* commercial enterprise operated by Steve Dell at 17511 Masemore Road centered in the residential community of Hillside View and the Gunpowder State Park.

I have been a resident of this community for thirty-one years , it was residential then and it should remain residential and without the negative attachment of any commercial enterprise. The taxes paid by the residents of Hillside View reflect the residential nature of the neighborhood and not that of a community contaminated with commercial and or heavy equipment operations.

HISTORICAL: After Mr. Steve Dell finished school he began a lawn mowing service, small and localized to the community . Each year since startup the operation has grown and there is reason to believe his goal is to become a *Full line heavy equipment operation*.

EQUIPMENT LIST (ESTIMATED): Below is a list of equipment observed by me during the last twelve months although it is not known whether the equipment is /was owned or leased. The value assigned to the equipment is my estimate based on new and used equipment prices and could be in error by ten percent either way.

ITEM #	EQUIPMENT TYPE	PIECES	EST. VALUE
1	Dump Trucks	2	\$60,000
2	One-ton Flatbed truck	2	\$24,000
3	Pick-up Trucks (various sizes)	2	\$30,000
4	Front Loader, 4X4 , John Deere	1	\$25,000

MICROFILMED

5	Back-hoe /Front-loader, John Deere	1	\$28,000
6	Bobcats, Front loader	2	\$50,000
7	Snow Blower, John Deere, 48 inch	1	\$20,000
8	Trailers, Tandem Axle, 16 feet	2	\$3,000
9	Mowers, Commercial, various	3-6	\$12,000
10		Total	\$252,000

MY OBJECTIONS: My objections to this operation may be summarized as listed below.

1. The property is surrounded by nine families and there are several children and grandchildren playing in and around the community.
2. The lot is small, probably less than two acres, and approximately half of it is unsuitable for vehicular traffic or storage.
3. The property borders the Gunpowder State Park on the North-East and also on the West side.
4. A stream runs through the property and promptly empties into the Gunpowder river and is a potential source of feeding commercial pollutants into the water supply.
5. The lot size does not permit the turning of Truck-trailers on site, therefore the Truck -Trailer combinations are *BACKED* along Hillside View Road toward the Dell entrance while continuously making a piercing loud noise and simultaneously producing a very hazardous condition.
6. The Hillside View road width and surface is neither wide enough nor is it strong enough to support the burden of this commercial operation.
7. The operation continues to grow and there is very little likelihood the operation would ever be scaled down in size without the significant effort of your offices.

It would be greatly appreciated if you and your offices would act promptly to rid our community of this annoying eyesore.

Sincerely yours,

C. Robert McMillion

C. Robert McMillion
900 Hillside View Road
Parkton, MD 21120-9752

c.c. Gary Bennett, Balto. Co. Code Enforcement

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 5, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: Case No. 97-53-XA
Edward L. Dell, et ux
7th E; 3rd C

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated June 19, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-53-XA)

MICROFILMED

CORNELIUS J. CARMODY
ATTORNEY AT LAW

*Mail to
this
address*

SUITE 100
606 BALTIMORE AVE.
TOWSON, MD 21204

SUITE 201
P.O. BOX 302
16940 YORK ROAD
MONKTON, MD 21111

(410) 329-8074 • FAX 357-5169

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John J. Ghingher III

901 Hillside View Road

Robert P. Whelan Jr.

899 Hillside View Road

Maryann R. Smalley

17521 Masemore Rd

KENNETH L. SMALLEY

17521 MASEMORE RD

Robert McMillion

900 Hillside View Rd

MICROFILMED

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

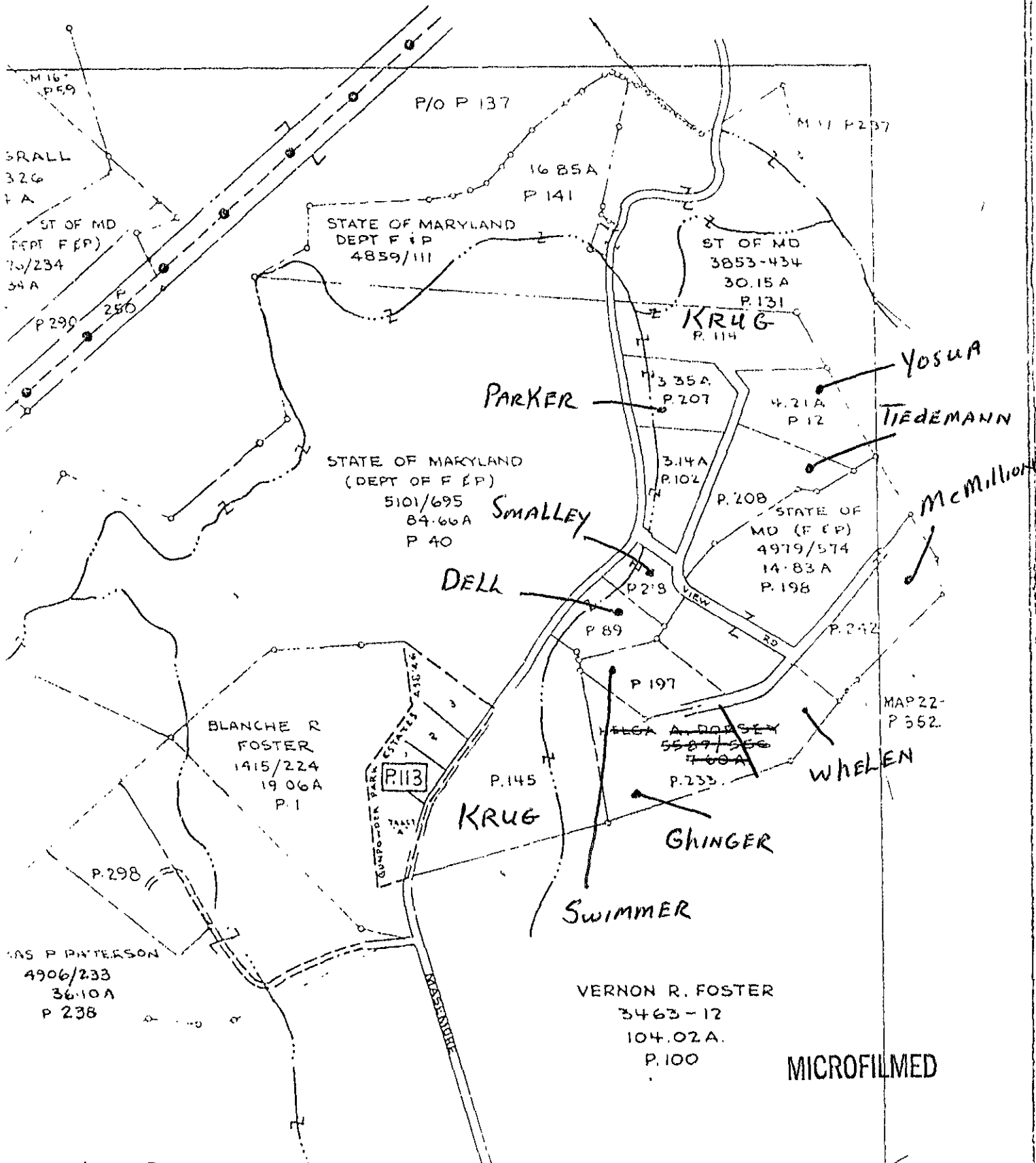
ADDRESS

Michael Marino
Paul Lee
Edward Dell
Steve E Dell
Sandra Bell
George Jay Bromwell
Gary Binnitt

609 Bosley Avenue Towson MD 21204
304 W PENNA AVE 21204
17515 MASEMORE RD PARKTON
17575 MASEMORE RD PARKTON
17515 MASEMORE RD PARKTON
31 E. CHATSWORTH AVE 21136
111 W. Chesapeake Ave PDM

MICROFILMED

PROTESTANTS
EXHIBIT NO. 2



Hillside View Residents

Masemore Road and Hillside View Road

Parkton, MD 21120

August 21, 1996

Baltimore County Department of Permits
and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

Attn: Mr. Mitch Kellman

Re: Hearing Case No. 97-53-XA

Code Violation Case No. 96-4502

17515 Masemore Road

Parkton, MD 21120

7th Election District

**PROTESTANTS
EXHIBIT NO. 3**

Dear Mr. Kellman,

The undersigned, residents of Hillside View, oppose the granting of the special exception and/ or variance requested in the above case. The activity for which the variance is sought is the conducting of a landscaping service operation otherwise prohibited by the existing zoning. Neither is such business one of the permitted special exceptions set forth in the Zoning Code.

Hillside View is a unique community comprised of only nine single family residences. There are no businesses anywhere in the area other than agricultural operations. Hillside View abuts Gunpowder State Park and ingress is by a single road, Hillside View Road from Masemore Road.

The existence and/or continuation of Mr. Steve Dell's landscaping business has a serious detrimental impact upon our health, safety and welfare and detracts from the use and enjoyment of our property, most of which were owned prior to the commencement of this activity. The movement of trucks with trailers on and through our road is a hazard to children and a visual and noise annoyance to all of the residents. Those residents abutting the Dell property also have the visual impact of having commercial tractors, mowers and such on the Dell property as well as the traffic caused by the numerous employees coming to work and parking their vehicles on the Dell property.

MICROFILMED

It is our belief that Mr. Steve Dell has no investment of any substance in the property at which the business is conducted. Any investment in stationary assets which he may have made with full knowledge of the existing zoning.

No hardship, exceptional or otherwise, will be suffered by either Mr. Steve Dell, the operator of the business, or his parents. The record owners of the property, by requiring the business to be moved from the property. The fact that Mr. Steve Dell may have to pay rent at a new location is not a factor which may be considered in ruling upon the request for the variance.

For the above reasons, and those which may be presented in the hearing, we request that the special exception/variance requested in Case No. 97-53-XA be denied.

Very truly yours,

Printed Name C. Robert McMillion
Signature C. Robert McMillion
Address 900 Hillside View
Parkton, MD 21120

Printed Name Mary C. McMillion
Signature Mary C. McMillion
Address 900 Hillside View Rd
Parkton, md 21120

Printed Name Robert P. Whelan Jr.
Signature Robert P. Whelan Jr.
Address 899 Hillside View Rd
Parkton, Md 21120

Printed Name Christie P. Whelan
Signature Christie P. Whelan
Address 899 Hillside View Rd
Parkton, MD 21120

Printed Name Maryann Smalley
Signature Maryann Smalley
Address 17521 Masemore Rd
Parkton, Md. 21120

Printed Name Kenneth Smalley
Signature KENNETH SMALLEY
Address 17521 MASEMORE RD
PARKTON, MD. 21120

Printed Name John J. Ghingher III
Signature John J. Ghingher III
Address 901 Hillside View Rd
Parkton, MD. 21120

Printed Name Patricia Moore Ghingher
Signature Patricia Moore Ghingher
Address 901 Hillside View Rd.
Parkton, md. 21120

Printed Name Patricia E. Parker
Signature Pat E. Parker
Address 1092 Hillside View
Parlton. MD 21120

Printed Name Robert M. Parker
Signature Robert M. Parker
Address 1002 Hillside View
Parkton MD 21120

Printed Name Theodore E. Krug
Signature Theodore E. Krug
Address 1000 Hillside View Rd
Parkton, Md 21120

Printed Name Barbara R. Krug
Signature Barbara R. Krug
Address 1000 Hillside View Rd,
Parkton, Md 21120

Printed Name _____
Signature _____
Address _____

Printed Name _____
Signature _____
Address _____

Printed Name _____
Signature _____
Address _____

Printed Name _____
Signature _____
Address _____

THIS DEED, Made this 1st day of August in the year one thousand nine hundred and sixty-nine, by and between RALPH C. SMITH, JR. and M. FRANCES SMITH, his wife, of Baltimore County, in the State of Maryland, of the first part, and EDWARD L. DELL and SANDRA L. DELL, his wife, of said County and State, of the second part.

WITNESSETH, that in consideration of the sum of five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Ralph C. Smith, Jr. and M. Frances Smith, his wife, do grant and convey unto the said Edward L. Dell and Sandra L. Dell, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland aforesaid, and described as follows, that is to say:-

BEGINNING for the same at a stake at the beginning point of that parcel of land described in a deed from Charles Richard Conner and wife to Monette R. Burns, dated December 14, 1959, recorded among the Land Records of Baltimore County in Liber WJR No. 3641, folio 40 etc., said stake also being at the end of sixty feet in the South two degrees ten minutes fifteen seconds East seven hundred fifty-nine and twenty-five one-hundredths foot line in a deed from Howard G. Kroder and wife to Charles Richard Conner and wife, dated August 24, 1959 and recorded in Liber WJR 3584, folio 532 etc.; running thence binding on the last mentioned deed reversely the five following lines as now surveyed by magnetic bearings, north two degrees ten minutes fifteen seconds west sixty feet to an iron bar, north forty-two degrees twenty-seven minutes west one hundred fifty-two and seventy-six one-hundredths feet to the southeast side of Masemore Road right-of-way, fifty feet wide, thence continuing the same course, North forty-two degrees twenty-seven minutes West seventeen and forty-seven one-hundredths feet to a pipe and to intersect the North twenty-seven degrees fifty-eight minutes forty-five seconds East two hundred sixty-eight and thirty-six one-hundredths foot line in a deed from Howard G. Kroder and wife to Ray G. Anchors, Jr., and wife, dated October 7, 1955, recorded in Liber G.L.B. No. 2796, folio 402 etc., thence binding on that deed the two following lines and running in or near the center of Masemore Road, North thirty-seven degrees seventeen minutes east seventy and sixty-eight one-hundredths feet, and North fifty-nine degrees thirty-four minutes East two hundred eighty-five and seventy-one one-hundredths feet; thence by three lines of division, South forty-two degrees twenty-seven minutes East twenty-five and sixty-two one-hundredths feet to the southeast side of the right-

TRANSFER TAX NOT REQUIRED

8-7-69
NORMAN W. HOOD
Director of Finance

Pet: Ralph C. Smith, Jr. and M. Frances Smith
pd 3000 on 8-14-69
Authorized Signatures
6-24-69 #106640

TAX \$ 20.00 REC. #
STATE PROPERTY TRANSFER AUG 7 1969
CLERK

of-way of Masemore Road; thence continuing the same course, South forty-two degrees twenty-seven minutes East three hundred forty-four and fifty-nine one-hundredths feet; thence South forty degrees sixteen minutes west eighty-six and twenty-eight one-hundredths feet to the end of the north forty-two degrees fifty-four minutes fifteen seconds west four hundred thirteen and eight one-hundredths foot line of the first above mentioned deed; thence binding on that deed South eighty-two degrees thirty-six minutes West three hundred sixty-nine and ten one-hundredths feet to the place of beginning; containing two acres and seven hundred ninety-two one-thousandths of an acre (2.792) of land, more or less.

Also the right to use in common with others a driveway twenty feet wide leading from the property being described herein to a corridor fifty feet wide now known as Hillside View Road, the southeast side of said driveway being described as follows:

Beginning at the end of the South forty-two degrees twenty-seven minutes East three hundred forty-four and fifty-nine one-hundredths foot line of the above described parcel; and running thence North forty degrees sixteen minutes East one hundred fifty-four and eighty-nine one-hundredths feet to the southwest side of the aforementioned corridor leading out to Masemore Road.

Also the right to use in common with others the above mentioned corridor, known as Hillside View Road, fifty feet wide, and described in the deed above mentioned from Charles Richard Conner and wife to Monette R. Burns, dated December 14, 1959, and recorded in Liber WJR 3641, folio 40, etc.

BEING all and the same property which by deed dated February 15, 1969 and recorded among the aforesaid Land Records in Liber 3957, folio 444 from Charles R. Conner and Margaret A. Conner, his wife, to Ralph Smith, Jr. and Mabel Frances Smith, his wife, within Grantors.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Edward L. Dell and Sandra L. Dell, his wife, as tenants by the entireties, their assigns, the survivor of them and the heirs and assigns of such survivor, in fee simple.

AND the said parties of the first part hereby covenant that

they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors:

TEST:

Daphne C. Dunbar

Ralph C. Smith Jr. (SEAL)
Ralph C. Smith Jr.

Daphne C. Dunbar

M. Frances Smith (SEAL)
M. Frances Smith

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

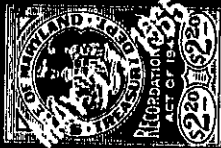
I Hereby Certify that on this 1st day of August, in the year one thousand nine hundred and sixty-nine, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Ralph C. Smith, Jr. and M. Frances Smith, his wife, known to me (or satisfactorily proven) to be the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

Daphne C. Dunbar
Notary Public

My commission expires:
July 1, 1970

16 AM
Rec'd for record AUG 7 1969 at 11:30
Per Orville T. Gosnell, Clerk
Mail to Barbara T. Goldberg
Receipt No. 163753 \$ 16.50



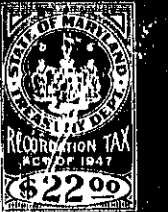
THIS DEED, Made this 7th day of May, 1965, by and between CARL M. SCHNEIDER, JR. and DORIS A. SCHNEIDER, his wife, of Baltimore County, State of Maryland, parties of the first part, and KENNETH L. SMALLEY and MARYANN R. SMALLEY, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, according to a survey made by C. A. Myers, Surveyor, on February 23, 1962:

BEGINNING for the same at a bolt in or near the center of the present road-bed of Masemore Road at the end of the South 44 degrees 14 minutes 45 seconds West 83.90 foot line as described in a deed from Howard G. Kroder and wife to Charles R. Conner and wife, dated August 24, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3584, folio 532, etc. thence binding on that deed reversely and running in Masemore Road, North 44 degrees 14 minutes 45 seconds East 83.90 feet to a spike 5 feet Northwest of the centerline and to the beginning point of that parcel of land conveyed by Deed from Peter E. Wagner, et al, to Charles R. Conner and wife, dated January 30, 1962 and recorded in Liber W.J.R. No. 3958, folio 433, etc. thence binding on that deed by continuing the same course and still running in Masemore Road, North 44 degrees 14 minutes 45 seconds East 39.08 feet to a railroad spike, thence leaving that road and running along the Southwest and West side of a corridor 50 feet wide (known as Hillside View Road) with the use thereof in common with others, the first line still binding on the last above mentioned deed, South 47 degrees 52 minutes 15 seconds East 211.78 feet, South 03 degrees 40 minutes West 47.34 feet and thence by a curve to the left with a radius of 164.05 feet, an arc of 107.35 feet and a chord of South 19 degrees 05 minutes 10 seconds East 104.18 feet to the Southeast side of a driveway 20 feet wide, thence leaving the West side of Hillside View Road and binding on the Southeast side of said driveway with the use thereof in common with others, South 40 degrees 16 minutes West 154.89 feet and to the end of the South 42 degrees 27 minutes East 344.59 foot line of that parcel of land described in a Deed from Charles R. Conner and wife to Ralph Smith, Jr. and wife, dated February 15, 1962 and recorded in Liber W.J.R. No. 3957, folio 444, etc. thence binding on that deed reversely the two following lines, North 42 degrees 27 minutes West 344.59 feet to the Southeast side of the right of way of Masemore Road, thence continuing the same course, North 42 degrees 27 minutes West 25.62 feet and to intersect the South 59 degrees 34 minutes West 373.93 foot line of the first above mentioned deed at the end of 88.22 feet, thence binding on that deed reversely and running in Masemore Road, North 59 degrees 34 minutes East 88.22 feet to the place of beginning, containing 1.632 acres of land more or less.

Subject, however, to the aforementioned driveway 20 feet wide running along the northwest side of the South 40 degrees 16 minutes West 154.89 foot line of the above described parcel.

BEING the same lot of ground which by Deed dated February 27, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3961, folio 74, was granted and conveyed by Charles R. Conner and Margaret A. Conner, his wife, unto the within Grantors.



TOGETHER with the buildings thereupon erected, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple.

AND the said parties of the first part, the Grantors, hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said Grantors.

Witness:

F. Leroy Peters
F. Leroy Peters

Carl M. Schneider, Jr. (SEAL)
CARL M. SCHNEIDER, JR.

Doris A. Schneider (SEAL)
DORIS A. SCHNEIDER

STATE OF MARYLAND)

to wit:

CITY OF BALTIMORE)

I HEREBY CERTIFY, that on this 7th day of May, 1965, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared CARL M. SCHNEIDER, JR. and DORIS A. SCHNEIDER, his wife, known to me to be the persons whose names are subscribed to the within Deed and acknowledged that they executed the same for the purposes therein contained, and further acknowledged said Deed to be their act.

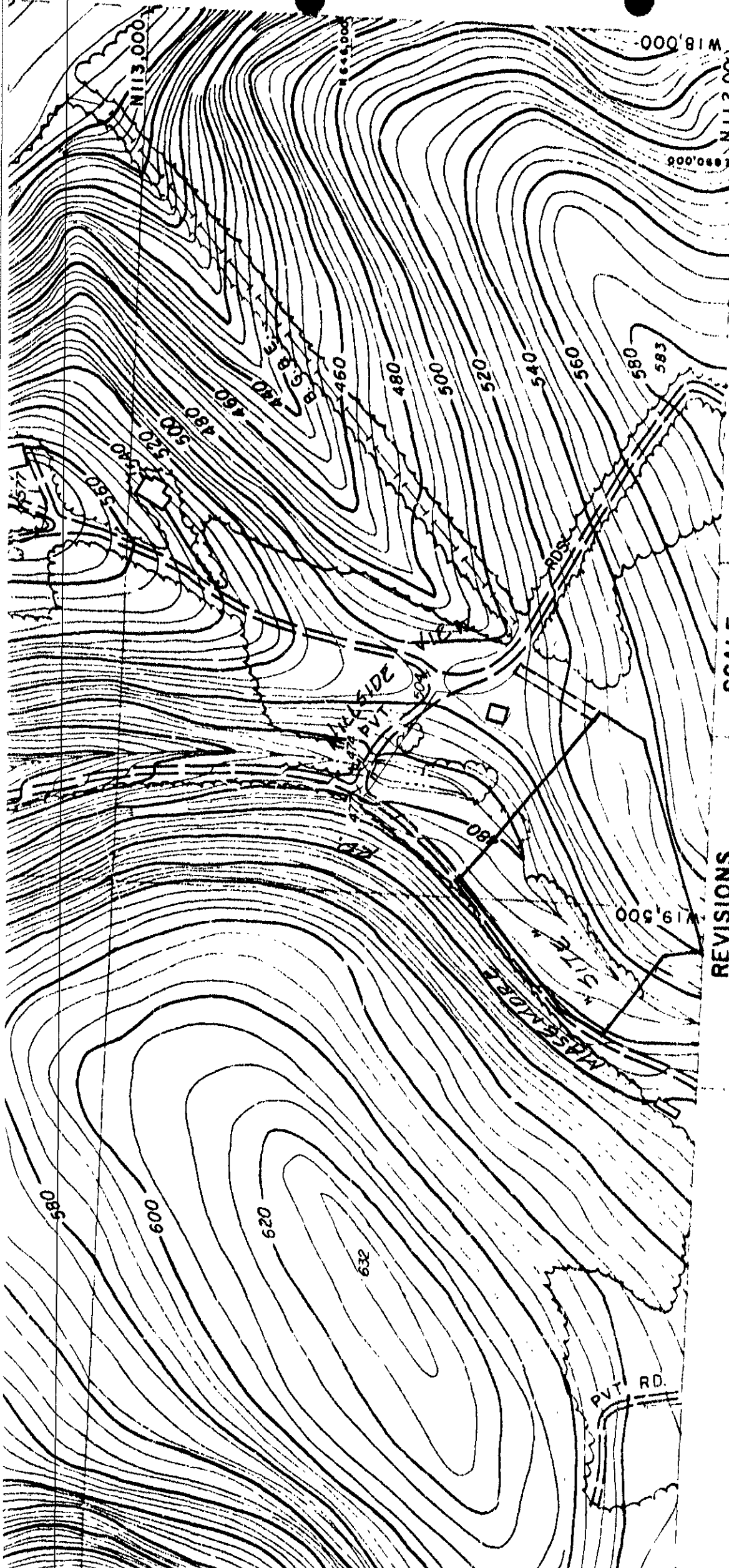
AS WITNESS my hand and Notarial Seal.



F. Leroy Peters
F. LEROY PETERS, Notary Public

My Commission Expires July 1, 1965

Rec'd for record MAY 11 1965 at 9:35 AM
Per Robert R. Gail, Clerk
Mail to *Miles & Stockbridge*
Receipt No. 180348 \$ *6.00*



SHEET

LOCATION

SCALE

REVISIONS

BY DATE

1" = 200'

N.W.

29-D

SOUTHEAST OF
PRETTYBOY
RESERVOIR

DATE OF
PHOTOGRAPHY
APRIL 1961

PETIT & SONS
EXHIBIT NO. 5

MAP OF
MARYLAND

MICROFILMED

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

R. C. 4

97-53-XA

R. C. 4

"SUBJECT SITE"

R. C. 2

PARCEL "A"

"NW 29D"

R. C. 4

"NW 28D"

TO MT. CARMEL RD.

MASEMORE

W19.500

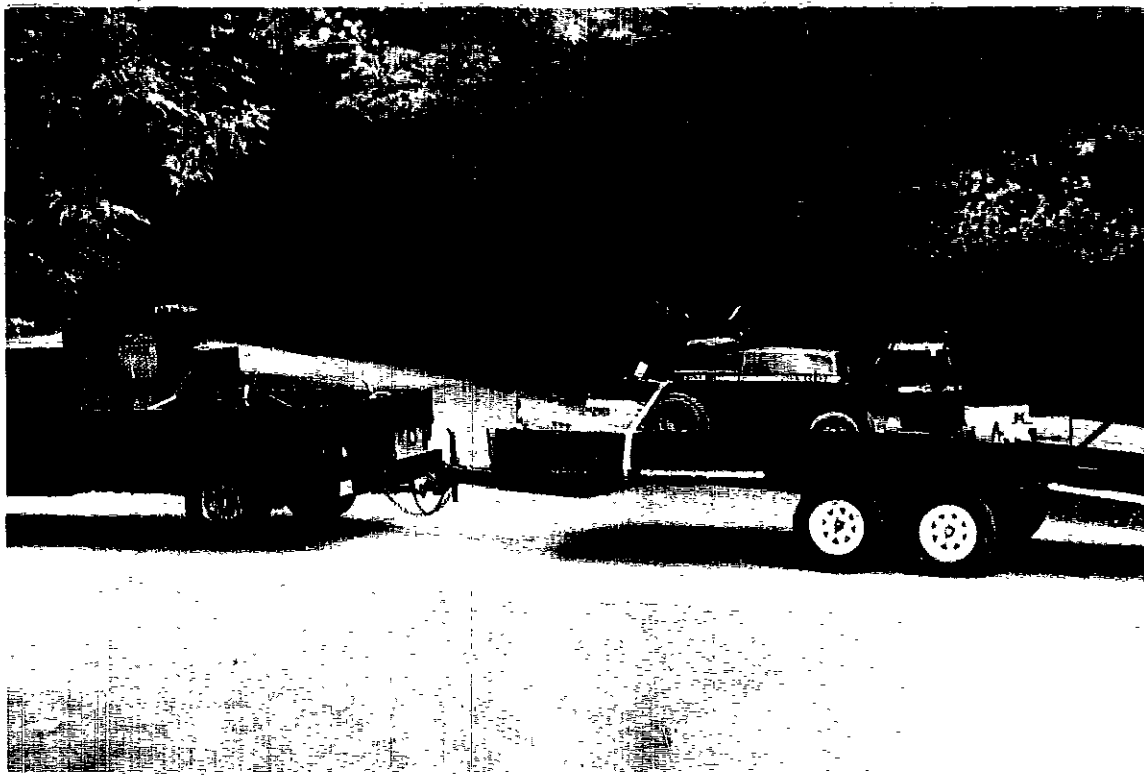
91-401-A

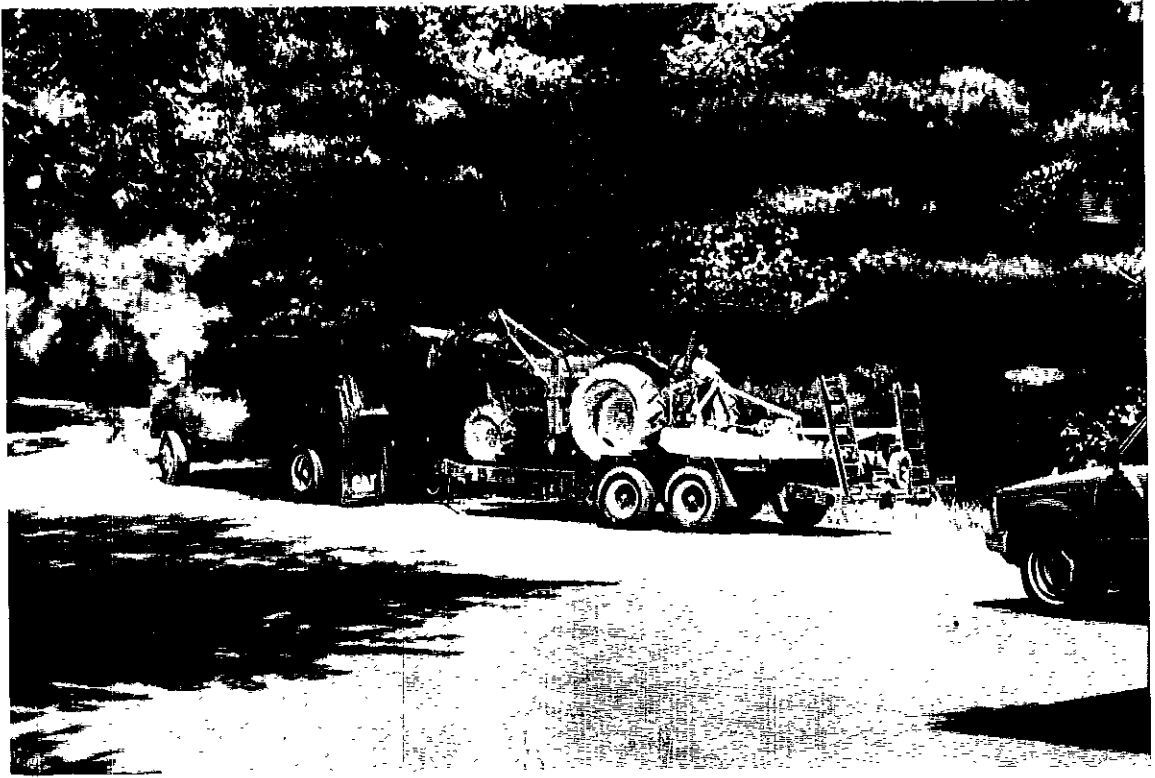
46

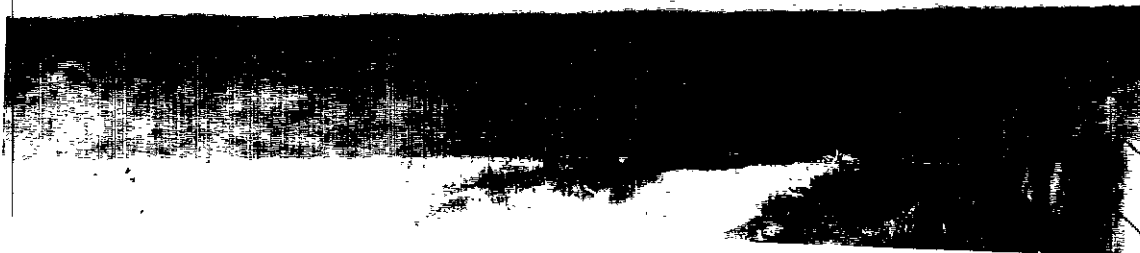
MICROFILMED

SCALE: 1"=200'

R. C. 2









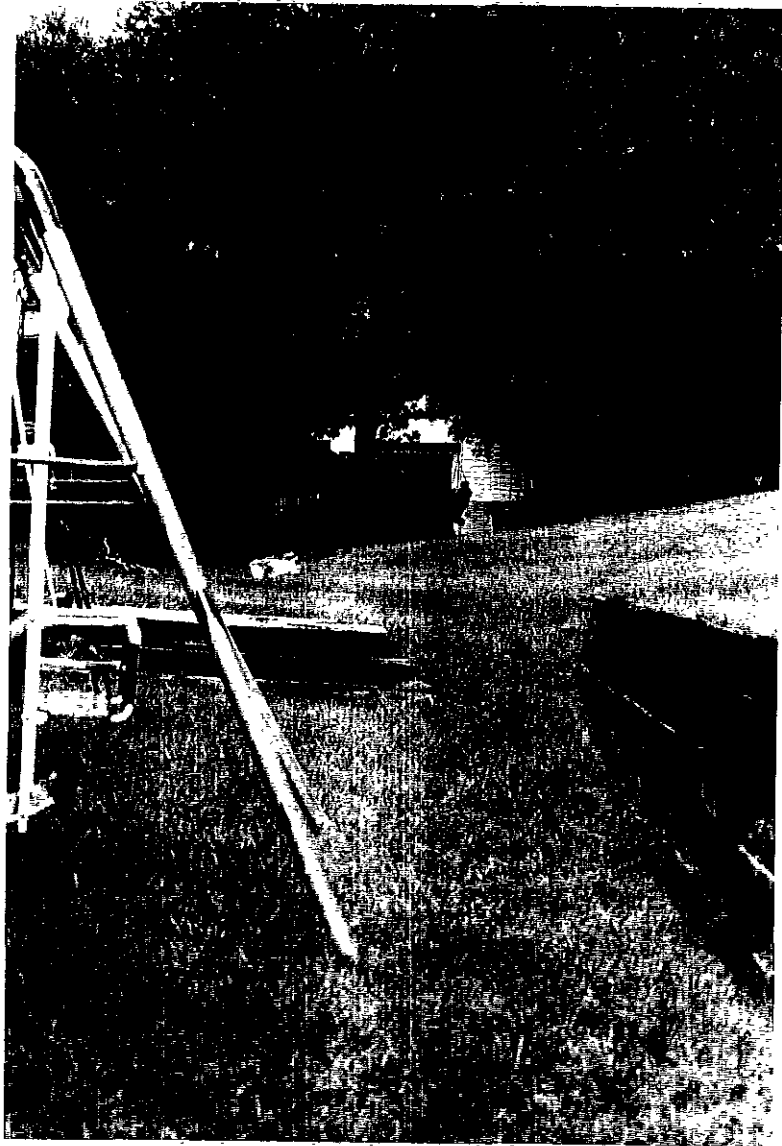


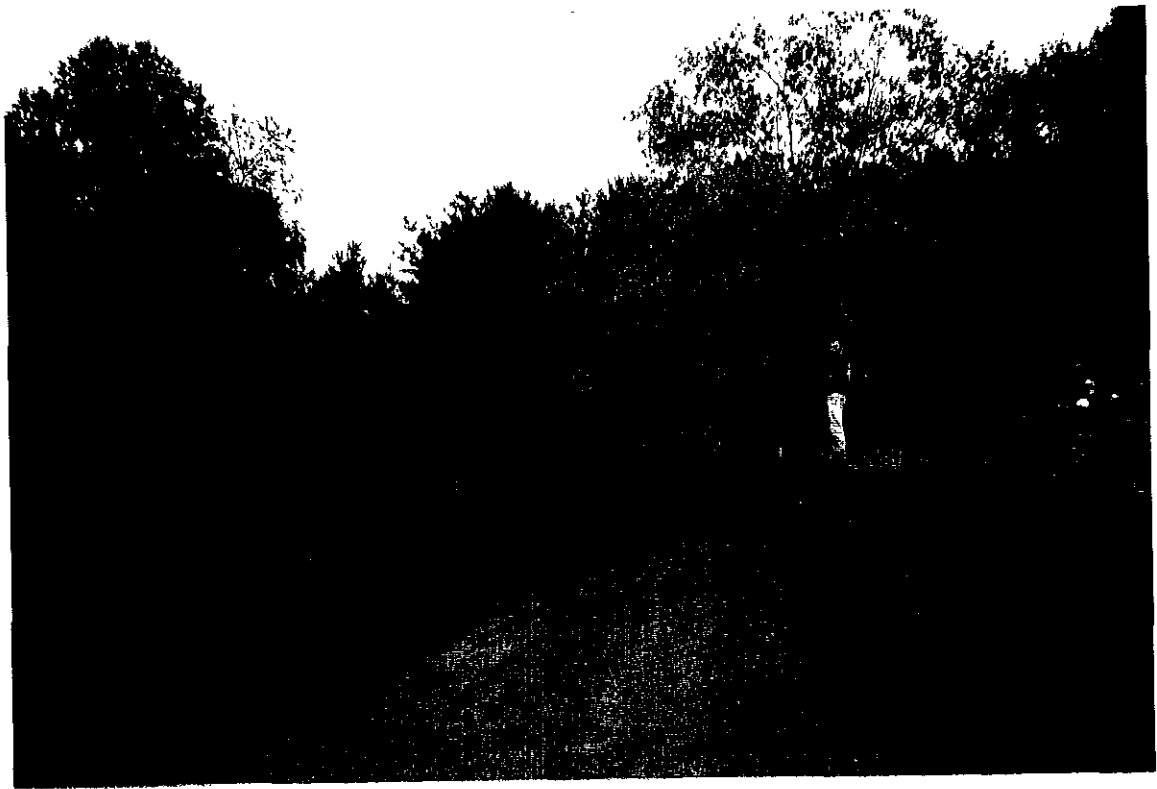


Protestant's
exhibits 1
(1-12)
photographs
97-53-XA

MICROFILMED

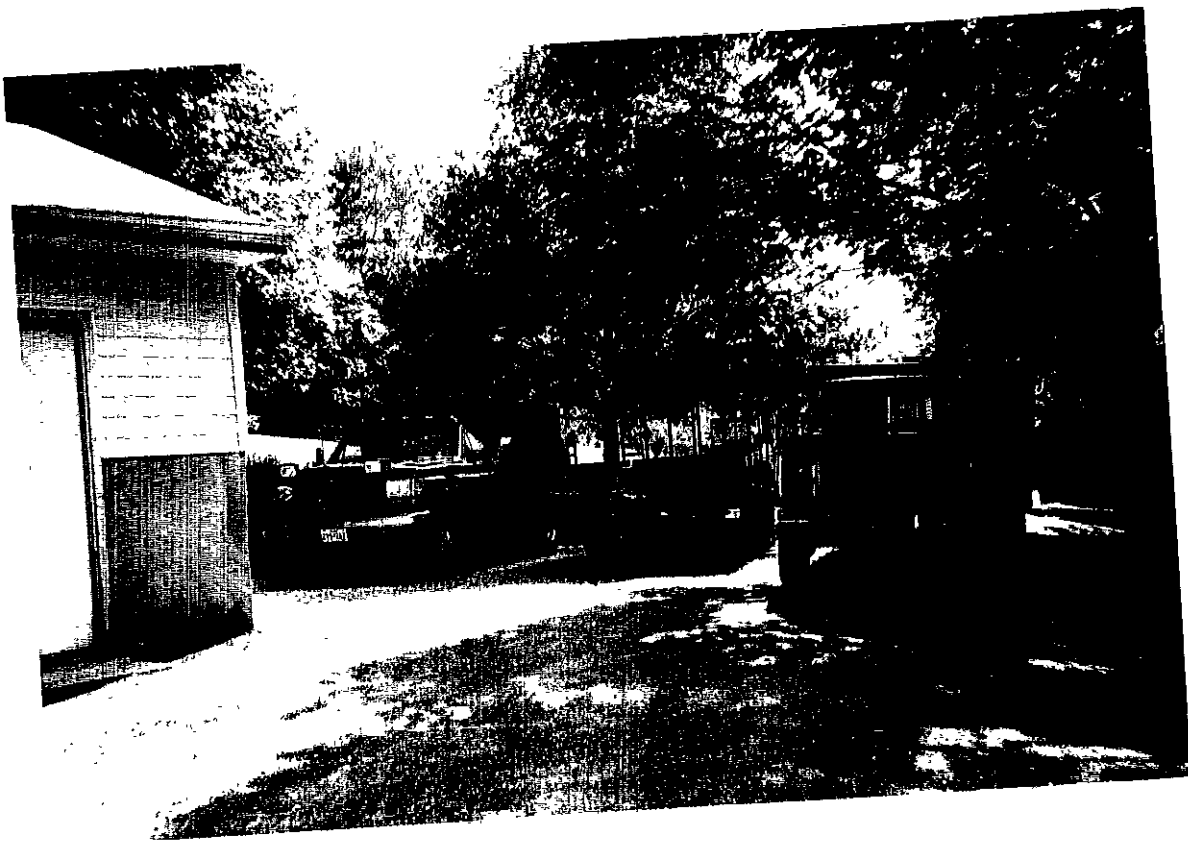








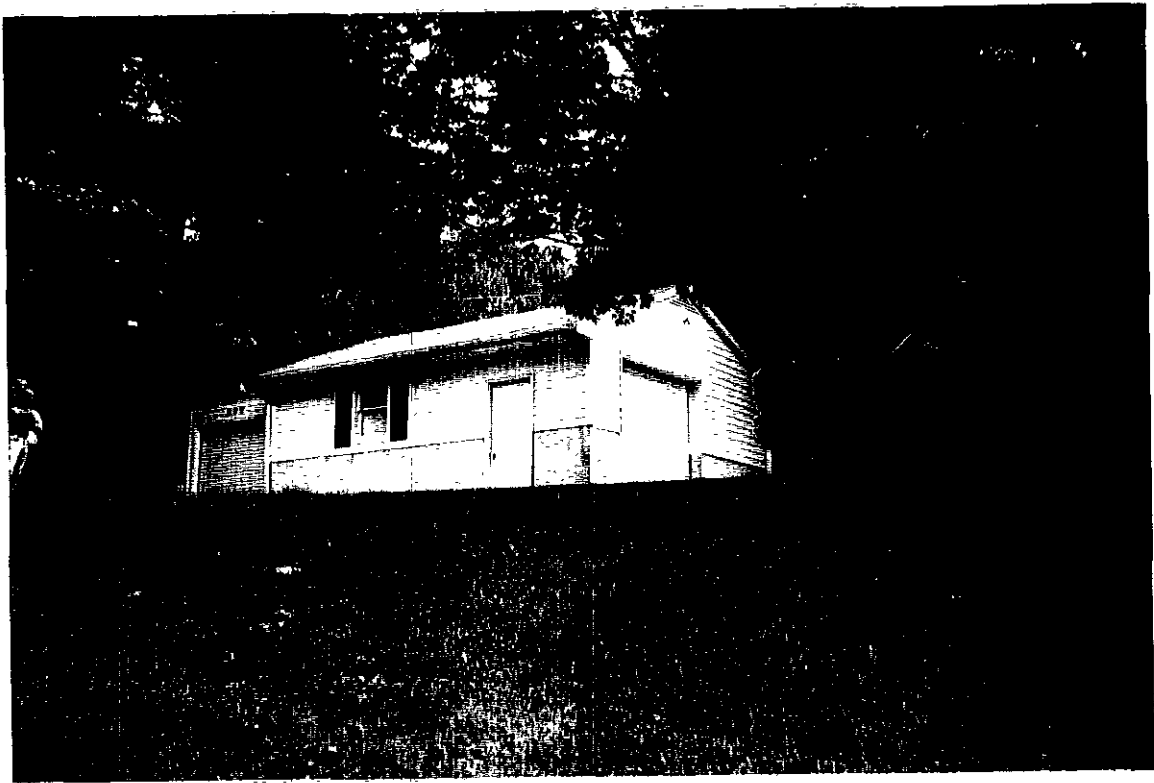




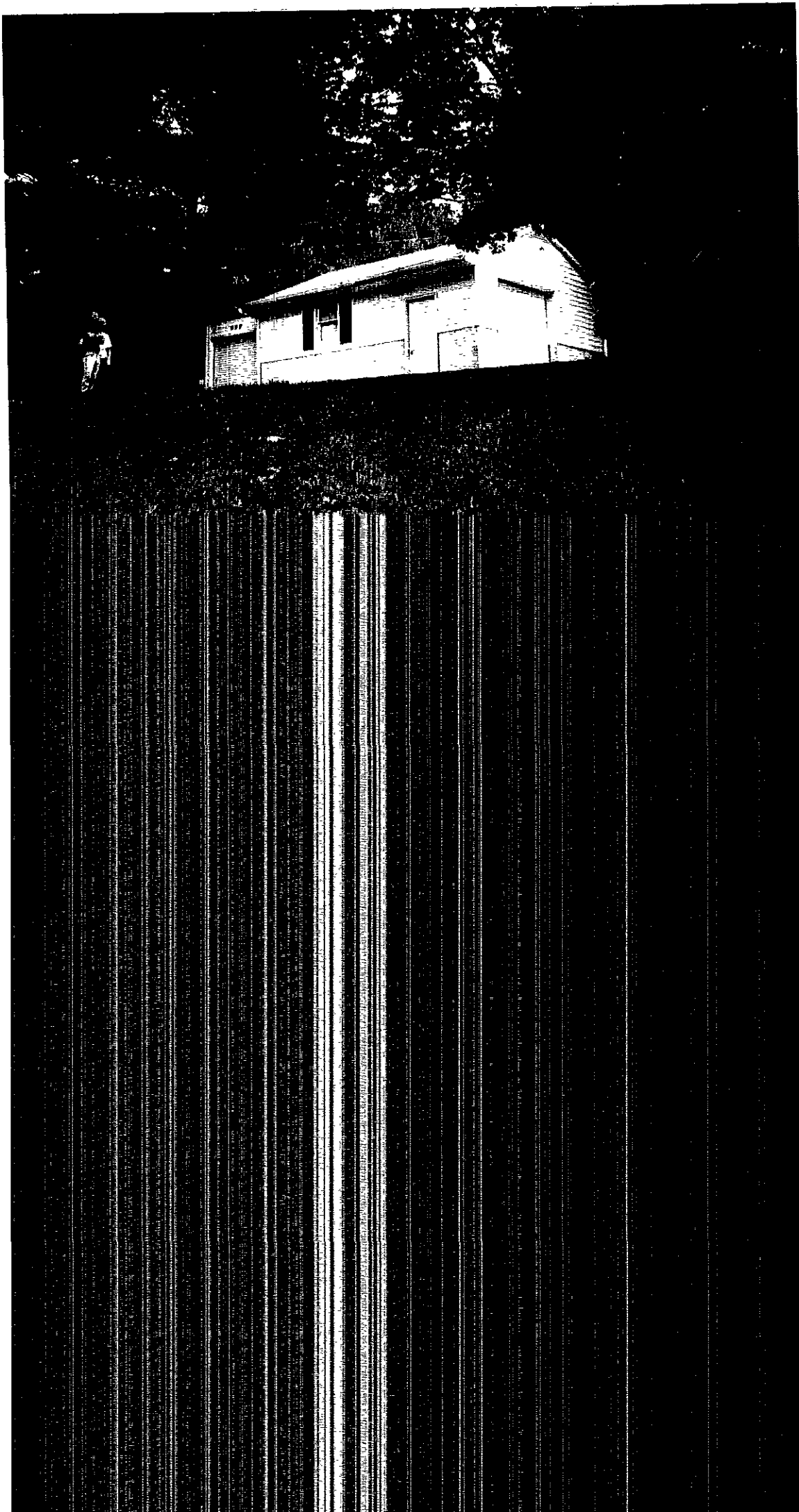














Pettiniers
Exhibits 4A-4Y
photographs
Case 97-53-XA

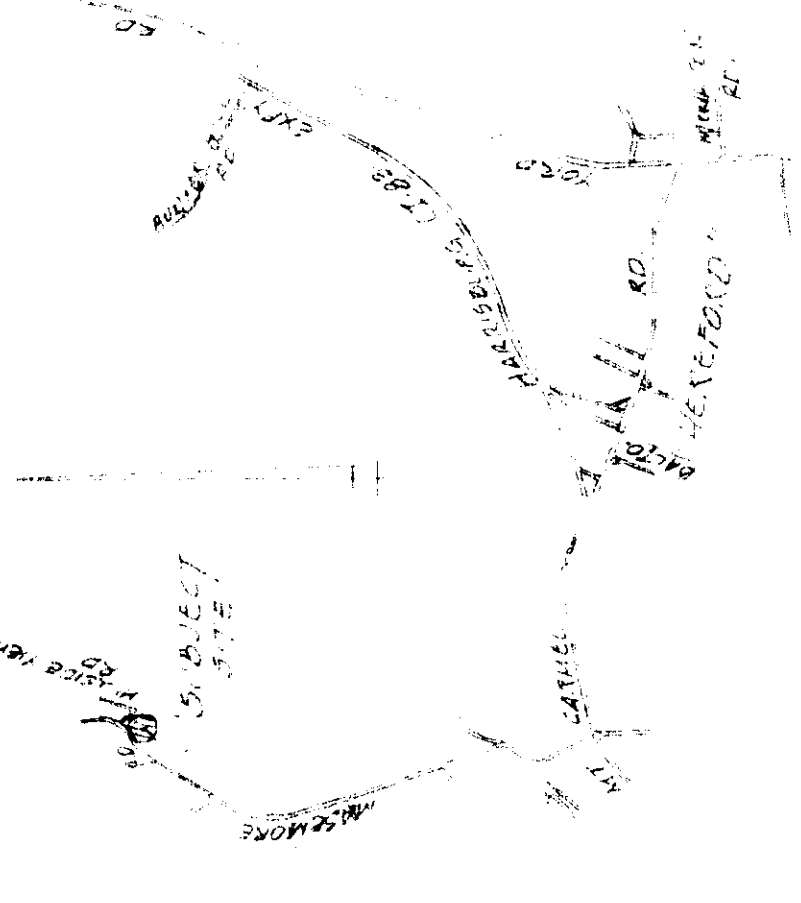
MICROFILMED

EX. 2000-10-1
EX. USE RESEARCH

TO KIT SANE. SO



EX. 2000-10-1
EX. USE RESEARCH



LOCATION 2000
2000-10-1

- 1. LOCATION 2000 (2000-10-1)
- 2. LOCATION 2000 (2000-10-1)
- 3. LOCATION 2000 (2000-10-1)
- 4. LOCATION 2000 (2000-10-1)
- 5. LOCATION 2000 (2000-10-1)
- 6. LOCATION 2000 (2000-10-1)
- 7. LOCATION 2000 (2000-10-1)
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LOCATION 2000 (2000-10-1)

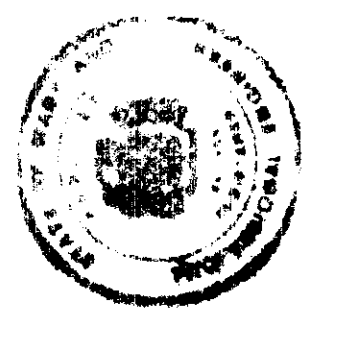
LOCATION 2000 (2000-10-1)

LOCATION 2000 (2000-10-1)

LOCATION 2000 (2000-10-1)

DIRECTOR
EDWARD J. KELLY
1755 MARSHALL BLVD
BALTIMORE, MARYLAND 21202

PAUL LEE BILLYEY, JR.
304 N. BALTIMORE AVE
TOWSON, MARYLAND 21204



EX. 2001113. AC. 4
EX. USE. RESIDENTIAL

TO AIR CARRIAGE RD.



EX. 2001113. AC. 4
EX. USE. RESIDENTIAL

EXISTING 100' x 100' LOT
EX. USE. RESIDENTIAL

EDWARD J. ANDERSON DEC.
5005 5TH
(2001113)

EXISTING 100' x 100' LOT
EX. USE. RESIDENTIAL

EXISTING 100' x 100' LOT
EX. USE. RESIDENTIAL



LOCATION MAP
SCALE 1:10,000

1. SITE PLAN

2. SITE PLAN

3. SITE PLAN

4. SITE PLAN

5. SITE PLAN

6. SITE PLAN

7. SITE PLAN

8. SITE PLAN

9. SITE PLAN

10. SITE PLAN

11. SITE PLAN

12. SITE PLAN

13. SITE PLAN

14. SITE PLAN

97-53-XA

1. SITE PLAN

2. SITE PLAN

3. SITE PLAN

4. SITE PLAN

MICROFILMED

1. SITE PLAN

2. SITE PLAN

46

PAUL LEE ENGINEERING, INC.
304 N. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

EDWARD J. ANDERSON DEC.
5005 5TH
(2001113)

